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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

H024712

Plaintiff and Respondent,

(Santa Clara County
Superior Court

v.

Nos. CC122022, CC133605)

ANTHONY ROYGER JACKSON,

Defendant and Appellant.

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Defendant was charged in one complaint with two counts of felony false personation (Pen. Code, § 529), misdemeanor being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)) and misdemeanor possession of controlled substance paraphernalia (Health & Saf. Code, § 11364). He was charged in a second complaint with felony theft or unauthorized use of a vehicle (Veh. Code, § 10851, subd. (a)) and felony receiving stolen property (Pen. Code, § 496). Both complaints alleged that defendant had served prison terms for two prior felony convictions (Pen. Code, § 667.5, subd. (b)).

Defendant had been on parole at the time of the offenses. His parole was revoked in part because he had absconded and failed to register as a narcotics offender. He was returned to custody to serve an 11-month term. Defendant entered no contest

pleas to all of the charges in both complaints and admitted the prison priors in exchange for an agreement that he would receive a sentence of two years in state prison. Defendant inquired at the time of the plea about the credits he would receive. He misrepresented to the trial court that his parole had not been revoked. Based on this misrepresentation, the trial court told defendant that he would likely receive about three months of credit toward his two-year state prison term for his presentence custody time.

At the sentencing hearing, the court imposed the agreed two-year state prison term. Defendant's trial counsel asked the court to grant defendant credit for all of his presentence custody time. The trial court denied this request. It ruled that defendant was not entitled to credit for any presentence custody time prior to his pleas because he had been serving a parole revocation term for "more than this case" that he had not yet completed. The court did permit defendant to receive credit toward his prison term for the remaining time on his parole revocation term that he would serve after sentencing and for the time he had served between his pleas and sentencing. Defendant did not obtain a certificate of probable cause and filed a timely notice of appeal challenging only his sentence.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Premo, Acting P.J.

Bamattre-Manoukian, J.